

II. The 35 U.S.C. § 112 Rejections

Claims 57-74 and 90 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. Specifically, the Office Action asserts that the recital of “said transmitting means” in independent claim 57 lacks antecedent basis in the claim. In response Applicants have amended claim 57 to properly recite “said transmitting station” for which proper antecedent basis is provided in the claim. No new matter has been added.

III. The 35 U.S.C. § 103 Rejections

Claims 1, 3-7, 12-19, 21-26, and 86-89 stand rejected under 35 U.S.C. § 103(a) as being anticipated by *Albal*, patent number 5,826,034 (hereinafter *Albal*), in view of *Harkins et al.*, patent number 5,514,126 (hereinafter *Harkins*). Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Albal* in view of *Harkins* and further in view of *Garson et al.*, patent number 5,689,550 (hereinafter *Garson*). Claims 8-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Albal* in view of *Harkins* and further in view of *Maxwell*, patent number 5,805,810 (hereinafter *Maxwell*). Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Albal* in view of *Harkins* and further in view of *Kuzma*, patent number 5,771,289 (hereinafter *Kuzma*). Claims 27, 28, and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Albal* in view of *Cordery et al.*, patent number 5,454,038 (hereinafter *Cordery*). Claims 32, 34-56, 75-78, and 81-85 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Albal* in view of *Maxwell*. Claims 33 and 80 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Albal* in view of *Maxwell* and further in view of *Garson*. Claims 57-66, 70-74, and 90 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Albal* in view of *Sundsted*, patent number 5,999,967 (hereinafter *Sundsted*), and further in view of *Berkowitz et al.*, patent number 5,903,877 (hereinafter *Berkowitz*). Claims 67-69 stand rejected under 35 U.S.C. §

103(a) as being unpatentable over *Albal* in view of *Sundsted* further in view of *Berkowitz* and further in view of *Maxwell*.

To establish a *prima facie* case of obviousness, three basic criteria must be met, see M.P.E.P. § 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Without conceding the second criteria, Applicants respectfully assert that the references lack proper motivation to combine in addition to lacking all the claim limitations.

A. The Independent Claims

In rejecting claim 1 under 35 U.S.C. § 103, the Examiner relies upon disclosure of *Harkins* to teach a particular format of the formats utilized in reproduction for delivery being preselected by the intended recipient of the document and, therefore, concludes that one of ordinary skill in the art would have found it obvious to include *Harkins* teachings in *Albal*'s system. However, as previously asserted by Applicants and as remains unaddressed by the Examiner, *Albal* teaches that the sender defining the delivery parameters "is an important aspect of the present invention in that the sender is given the ability to set the delivery parameters of the payload which the sender typically compiled and/or is fully knowledgeable of the contents," column 8, lines 62-66.

M.P.E.P. § 2141.02 directs that "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." "A prior art reference that 'teaches away' from the claimed invention is a significant factor to be considered in determining obviousness," M.P.E.P. § 2145. In the present case the Examiner's proffered motivation that "*Albal*'s system would become more user friendly if modified to include *Harkins* teachings, as the transmitted document would take the form most desired by the recipient" appears to be in direct contradiction to the teachings of *Albal* with respect to the importance of the sender defining the delivery

parameters. Accordingly, Applicants respectfully assert that claim 1, and the claims dependent therefrom, would not have been obvious under 35 U.S.C. § 103 over *Albal* in view of *Harkins*.

In rejecting independent claim 27 the Examiner concedes that *Albal* does not teach authentication information transmitted from the first location which includes pre-payment for transmission of the transmitted document deducted from a credit register stored at the first location. Accordingly, the Examiner relies upon the disclosure of *Cordery* to teach the pre-payment is deducted from a credit register stored at the first location. However, a review of *Cordery* reveals that the pre-payment is deducted from the electronic funds system stored at the data center disclosed therein.

Directing the Examiner's attention to *Cordery* at column 5, lines 4-9, it is taught that the "data center provides the functionality of . . . generating a postal revenue block (PRB) file [which] represents the information to be printed as the postal revenue block on each mailpiece by the mailer unit 112." "The data center 116 further functions to collect funds and pay postage," column 5, lines 11-12. Accordingly, "[t]he data center at 746 accounts for the postage and generates accounting record and charges the postage to the mailers account," column 13, lines 32-34, i.e., the payment for postage is transferred from the mailers account stored at the data center to the postal service at the data center electronic funds system, column 7, lines 59-61. Because the data center, which is separate from the mailer unit, provides the deduction of value from a credit register stored therein, "if the printer 304 should not properly print digital tokens (the postal revenue block 124 on mailpiece 122 this information is detected and stored in the mailer unit for communication to the data center to enable credit to be provided to the mailers account," column 6, lines 58-63.

From the above, it is clear that the data center stores the mailer account data and deducts the postage amount from the account upon generation of the PRB and that the mailing unit stores accounting information for enabling a credit operation to the mailer account stored at the data center in situations such as a PRB print failure. Accordingly, Applicants respectfully assert that the proffered combination of *Albal* in view of *Cordery* is insufficient to establish a *prima facie* case of obviousness under 35 U.S.C. § 103 with respect to claim 27 and the claims dependent therefrom.

The Examiner's stated motivation for combining *Albal* and *Cordery* is that "*Albal*'s system could be easily include *Cordery*'s teachings, as using digital tokens is a well known practice in pre-payment and authorization of mail, wherein the digital tokens authenticate and add a postage value to mail pieces, adding to the security of the system, as well as the becoming more user friendly." However, Applicants respectfully assert that it is not enough that a particular modification be easy in order to establish obviousness under 35 U.S.C. § 103, but rather to establish a *prima facie* case of obviousness there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, see M.P.E.P. § 2143. Consistent with this the Manual of Patent Examining Procedure provides that "[t]he level of skill in the art cannot be relied upon to provide the suggestion to combine references." M.P.E.P. § 2143.01 (citing *Al-Site Corp. v. VSI Int'l Inc.*, 50 U.S.P.Q.2d 1161 (Fed. Cir. 1999)). Accordingly, the conclusion that "*Albal*'s system could be easily include *Cordery*'s teachings" does not provide the requisite motivation required under 35 U.S.C. § 103 and, therefore, does not establish *prima facie* obviousness under 35 U.S.C. § 103.

The arguments submitted in the Amendment filed January 10, 2000, regarding the Examiner's *prima facie* case of obviousness with respect to independent claim 32 are believed to still be applicable to the above rejection of record and are, accordingly, incorporated herein. However, for the sake of brevity, those arguments will not be repeated herein. Applicants respectfully request that the Examiner reconsider Applicants' previous arguments, with respect to insufficient motivation to combine the references, in combination with the comments set forth below.

In responding to the above referenced arguments regarding the Examiner's *prima facie* case of obviousness the Examiner concludes that "the motivation can be seen as the ease of modification of *Albal*'s system with that of *Maxwell*'s teachings due to the knowledge generally available to one of ordinary skill in the art as *Albal* and *Maxwell* are solving similar problems, using similar features." However, as pointed out above, Applicants respectfully assert that the ease by which modifications may or may not be made is irrelevant to the question of obviousness under 35 U.S.C. § 103. Consistent with this the Manual of Patent Examining Procedure provides that "[t]he level of skill in the art cannot be relied upon to

provide the suggestion to combine references.” M.P.E.P. § 2143.01 (citing *Al-Site Corp. v. VSI Int'l Inc.*, 50 U.S.P.Q.2d 1161 (Fed. Cir. 1999)). Accordingly, the “ease of modification of *Albal*’s system with that of *Maxwell*’s” to one of ordinary skill in the relevant art simply does not provide the requisite motivation required under 35 U.S.C. § 103. Applicants therefore assert that claim 32 and the claims dependent therefrom are allowable over the rejections of record.

In rejecting independent claim 57 the Examiner concedes that *Albal* does not teach a reproducing circuit producing an indicia of payment authorizing delivery of the human readable information to the selected location. Accordingly, the Examiner relies upon the disclosure of *Sundsted* to modify the system of *Albal* in order to meet the claim. Specifically, the Examiner asserts that *Sundsted* discloses a system which delivers information to a selected location from a transmitting location, wherein an intermediate station comprises a reproducing circuit which produces an indicia of payment authorizing delivery of the human readable information to the selected location.

However, Applicants respectfully assert that *Sundsted* is not properly available as prior art with respect to the rejected claims. Applicants point out that *Sundsted*, available only as a 35 U.S.C. § 102(e) type reference, was filed August 17, 1997. Applicants have attached hereto, as evidence of prior invention, the Declaration Under 37 C.F.R. § 1.131 of Martin J. Pagel showing conception of the present invention prior to a time just before the filing date of *Sundsted* coupled with diligence to the filing date, October 17, 1997, of the present application. Accordingly, it is respectfully asserted that the rejections of record relying upon the disclosure of *Sundsted* should be withdrawn.

Moreover, a review of *Sundsted* reveals that the system disclosed therein provides a sender side apparatus which sends electronic mail and an attached electronic stamp directly to a receiver side apparatus without an intermediate station, column 9, lines 50-51. Accordingly, “[w]hen the time comes to create an electronic stamp, the sender side apparatus withdraws an electronic token from the sender’s bank account [which] action decreases the sender’s account balance,” column 9, lines 45-48. In operation of the sender side apparatus, the apparatus requests the electronic token from the bank and places the electronic token in the token field of the electronic stamp, column 10, lines 12-15. Thereafter, “[t]he receiver

side apparatus . . . removes the electronic stamp from the electronic mail, and then decrypts and decodes the electronic token [and] deposits the electronic token in the receiver's bank account," column 9, lines 53-56. It is the electronic stamp, of which the electronic token provided by the bank is a portion, which authorizes delivery of the electronic mail of *Sundsted*, column 5, lines 41-43.

Claim 57 recites a system wherein an intermediate station comprises:
a converter circuit adapted to electronically receive said transmitted information [from the transmission station] . . . and
a reproducing circuit adapted to reproduce said information in human readable form, wherein said reproducing circuit also produces an indicia of payment authorizing delivery of said human readable information to said selected location.

Sundsted does not teach an intermediate station providing the production of an indicia of payment authorizing delivery as recited in the claim. Instead, as shown above, *Sundsted* teaches that the electronic stamp authorizing delivery is produced by the sender side apparatus using, as one field of the electronic stamp, an electronic token received from a bank. Accordingly, the proffered combination does not meet the claim and, therefore, does not establish a *prima facie* case of obviousness under 35 U.S.C. § 103 with respect to claim 57 or the claims dependent therefrom.

Moreover, *Sundsted* does not teach an intermediate station whatsoever, but rather teaches an extrinsic node providing accounting services to the sender side apparatus and the receiver side apparatus. Accordingly, even ignoring the above identified differences in the applied reference and the claim, if one of ordinary skill in the art were to combine the teachings of *Sundsted* with that of *Albal*, the present invention would not result. There is no hint or suggestion provided by the references to modify the payload delivery system of *Albal* to provide the accounting services of *Sundsted* in derogation of the extrinsic node accounting method of operation of *Sundsted*. Accordingly, the proffered combination does not teach all elements of the claim and, therefore, is insufficient to establish a *prima facie* case of obviousness under 35 U.S.C. § 103 with respect to claim 57 and the claims dependent therefrom.

Additionally, Applicants respectfully assert that the Examiner has not properly established a *prima facie* case of obviousness with respect to combining *Albal*, *Sundsted*, and

Berkowitz. Specifically, the Examiner proffers as motivation to combine *Berkowitz* with *Albal* and *Sundsted* that “*Albal*’s system could be easily be adapted to include *Berkowitz*’s converter circuit, as the systems share cumulative features, therein making *Albal*’s system easily modifiable to a person of ordinary skill in the art.” As discussed above, Applicants respectfully assert that the ease by which modifications may or may not be made is irrelevant to the question of obviousness under 35 U.S.C. § 103. Consistent with this the Manual of Patent Examining Procedure provides that “[t]he level of skill in the art cannot be relied upon to provide the suggestion to combine references.” M.P.E.P. § 2143.01 (citing *Al-Site Corp. v. VSI Int’l Inc.*, 50 U.S.P.Q.2d 1161 (Fed. Cir. 1999)). Accordingly, even if it were assumed *arguendo* that “*Albal*’s system could be easily be adapted to include *Berkowitz*’s converter circuit” this simply does not provide the requisite motivation required under 35 U.S.C. § 103 as this statement says nothing more than the references can be combined. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination, M.P.E.P. § 2143.01, citing *In re Mills*, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990). Thus, the motivation provided by the Examiner is improper, as the motivation must establish the desirability for making the modification.

The arguments submitted in the Amendment filed January 10, 2000, regarding the Examiner’s *prima facie* case of obviousness with respect to independent claim 75 are believed to still be applicable to the above rejection of record and are, accordingly, incorporated herein. However, for the sake of brevity, those arguments will not be repeated herein. Applicants respectfully request that the Examiner reconsider Applicants’ previous arguments, with respect to insufficient motivation to combine the references and not all claimed elements being taught by the combination of references, in combination with the comments set forth below.

In responding to the above referenced arguments regarding *Maxwell* failing to teach the prepayment being deducted from a credit register stored at a first location, the Examiner notes that the limitation recites “said value information includes an indicia of credit deducted from a credit storage device coupled to said transmitting means.” The Examiner concludes

that this limitation is met by *Maxwell* as the credit storage device of *Maxwell* (sender database 1300) is coupled to the transmitting means (column 14, lines 1-17).

However, the Examiner is reminded that "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art," see M.P.E.P. § 2143.03.

Reading beyond the limitation identified by the Examiner, claim 75 recites:

means at least in part operable at said first location for transmitting a document to said third location, said transmitting means also transmitting information with respect to a value for delivery of said document, wherein said value information includes an indicia of credit deducted from a credit storage device coupled to said transmitting means

Accordingly, it is clear that it is not enough that the credit storage device be coupled to the transmitting means. Instead, the claim recites the transmitting from the first location to the third location of an indicia of credit deducted from a credit storage device coupled to the transmitting means. This simply is not taught or suggested by the components of the netgram workstation, relied upon by the examiner to meet the third location of the claim, which provides location of a user account record which is also part of the netgram workstation, see column 5, lines 7-17, and column 9, lines 6-11. Even if one were to equate location of user account records at the netgram workstation with the recited indicia of credit deducted from a credit storage device coupled to the transmitting means, it cannot be said that *Maxwell* teaches transmission of a credit deducted from a credit storage device from the first location to the third location as recited in the claims, nor would such an arrangement have been obvious from *Maxwell*. Accordingly, Applicants respectfully assert that claim 75 and the claims dependent therefrom are not obvious under 35 U.S.C. § 103 over the art of record.

As with claim 32 discussed above, in responding to the above referenced arguments regarding the Examiner's *prima facie* case of obviousness with respect to claim 75 the Examiner concludes that "the motivation can be seen as the ease of modification of *Albal*'s system with that of *Maxwell*'s teachings due to the knowledge generally available to one of ordinary skill in the art as *Albal* and *Maxwell* are solving similar problems, using similar features." As stated above, the Manual of Patent Examining Procedure provides that "[t]he level of skill in the art cannot be relied upon to provide the suggestion to combine references." M.P.E.P. § 2143.01 (citing *Al-Site Corp. v. VSI Int'l Inc.*, 50 U.S.P.Q.2d 1161

(Fed. Cir. 1999)). Accordingly, the “ease of modification of *Albal*’s system with that of *Maxwell*’s” to one of ordinary skill in the relevant art does not provide the requisite motivation required under 35 U.S.C. § 103.

B. The Dependent Claims

The dependent claims add additional new and non-obvious limitations not found in the art of record. For example, claim 2 recites time stamping the transmitted document according to a secure real time clock, such as is described at page 7, line 25, through page 8, line 6. There is no hint or suggestion of a secure real time clock meeting the claims by the mere mention of displaying a log message on a console along with a data and time stamp as described in *Garson*, relied upon by the Examiner in rejecting the claim.

Similarly, claim 10 recites a credit storage device including an internal time device providing time information included in the document transmitted from the first location to the third location. The disclosure of *Maxwell* teaching a partial mail object queue wherein partial mail objects which have not been completed within a particular time are deleted, column 11, lines 13-32, does not meet the claim as asserted by the Examiner.

Claim 72 recites a limitation similar to that of claim 2 discussed above, adding the requirement that the secure time piece be disposed at the transmitting location. Accordingly, claim 72 provides ancillary information with the transmitted document including a time of transmission of the document by the transmitting means wherein the time is provided by a secure time piece disposed at the transmitting location. The mention of delivery parameters including the time for delayed delivery provided in *Albal* at column 9, lines 1-3, and relied upon by the Examiner in rejecting claim 72, does not meet either the requirement that the time is transmitted with the document from the transmitting location recited in the claim or even the time information which is transmitted.

Moreover, there is no hint or suggestion of a secure time piece by this disclosure, although the Examiner relies upon the assertion that a secure time piece would inherently be used by a workstation. However, in order to properly establish a rejection based on inherency, “the Examiner must provide a basis in fact and/or technical reasoning to

reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art,” M.P.E.P. § 2112, citing *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis original). A reference may not be anticipating under the principle of inherency on the basis of possibilities or probabilities, as anticipation by inherency requires that persons skilled in the art would recognize that the missing material is “necessarily present” in the reference, see *In re Robertson*, Fed. Cir., No. 98-1270, 2/25/99. The Examiner’s statement that “a secured time piece would inherently be used by a workstation” does not reasonably support a conclusion that the claimed secure time piece flows from the disclosure of the prior art.

Claim 7 recites additional information transmitted with the document from the first location to the third location including an indication of payment for the service of transmitting the document. However, *Albal*, relied upon by the Examiner to meet this element of the claim, teaches only that the system generates billing for the services rendered, column 3, line 3, and column 8, lines 12-15, and that the sender is the one that usually bears the cost of delivery, column 8, lines 66-67. This disclosure is insufficient to meet the claim.

Claim 9 further recites that the indication of payment is an indicia of payment deducted from a credit storage device coupled to the transmitting means. Similarly, claim 49 recites an indication of pre-payment deducted from a credit storage device being transmitted accompanying the transmitted document. The Examiner asserts that these limitations are met by the disclosure of *Maxwell* which is asserted by the Examiner to teach the pre-payment is deducted from a credit register stored at the first location, citing column 9, lines 6-11 and lines 19-30. However a review of *Maxwell* reveals that the disclosure therein teaches that message validator 22 accesses sender database 1300 to locate an account record for the sender. As taught at column 5, lines 12-17, the message validator is a part of the netgram workstation which also stores the sender database. This netgram workstation is coupled to the sender through the Internet, see column 4, lines 20-23 and 43-48. Therefore Applicants respectfully assert that *Maxwell* does not teach transmission of a document from a first location to a third location with information of a pre-payment deducted from a credit register stored at the first location, but instead expressly teaches that the sender database referenced

for account information is stored at the intermediate netgram workstation location and is, therefore, cannot be transmitted with the document.

Conversely, claim 50 recites the indication of pre-payment being provided by a recipient of the transmitted document. The Examiner relies upon the disclosure of *Maxwell* to meet this limitation. However the disclosure therein is limited to payment by the sender, see column 9, lines 37-40.

Claim 19 recites reproducing an indicia of payment for authorization to deliver the transmitted document. The disclosure of *Albal* describing authorizing users, relied upon by the Examiner in rejecting the claim, is insufficient to meet the claim, see column 8, lines 15-18. Consistent with this, in rejecting independent claim 57 the Examiner concedes that *Albal* does not teach a reproducing circuit producing an indicia of payment authorizing delivery of the human readable information to the selected location. Accordingly, Applicants assert that there is no hint or suggestion of printing an indicia authorizing delivery as recited in the claim provided by the disclosure of *Albal*.

Moreover, claim 20 further recites the indicia comprising a postage meter stamp. Although the Examiner relies upon the disclosure of *Kuzma* to meet this limitation, a review of that reference reveals that it is an electronic stamp recognized by an electronic post office which is disclosed therein, see column 4, lines 39-41. There is no hint or suggestion of printing a document and an associated postage meter stamp for delivery by the disclosure of *Kuzma*, nor has the Examiner suggested otherwise.

Claim 26 recites sorting a plurality of transmitted documents according to a criteria selected from the group consisting of a delivery route, a recipient, a class of delivery and a sender. However, the disclosure of *Albal* relied upon by the Examiner in rejecting the claim teaches value added services such as Directory Services, Business/Accounting Services, Security Services, Compression Services, and Language Services. There is no hint or suggestion provided by the brief description of these services of any sorting of a plurality of transmitted documents, much less the particular sorting criteria recited in claim 26.

Claim 86 recites a database designating at least one of certain types of documents and particular senders for which document delivery is to be forgone. The disclosure of *Albal* relied upon by the Examiner in rejecting the claim merely teaches that a user establishes a

database of payload entries specifying the applicable communication methods to be used when communicating with the respective recipients, see column 8, lines 34-37. There is no hint or suggestion of foregoing delivery of any documents nor the designation of types of document or particular senders for which to forego delivery.

Claim 88 recites a database of preferred delivery methods selected by document recipients wherein the database includes identity of senders for which a particular delivery method is to be used. However, the disclosure of *Harkins* relied upon by the Examiner in meeting this claim merely teaches selection of priorities for receipt of information based upon identity of the sender, column 9, lines 62-65. This disclosure is insufficient to meet the recited particular delivery method to be used associated with an identity of the sender.

Claim 89 recites a database of preferred delivery methods selected by document recipients wherein the database includes types of documents for which a particular delivery method is to be used. However, the disclosure of *Harkins* relied upon by the Examiner in meeting this claim teaches that the profile describes the preferred form and service documents should take to be rendered, column 10, lines 38-47. There is no hint or suggestion of the particular delivery methods to be used with particular types of documents as recited in the claim.

In addition to the differences identified above, Applicants respectfully assert that the Examiner has not established a *prima facie* case of obviousness with respect to the dependent claims rejected under 35 U.S.C. § 103. As discussed above with respect to the independent claims, in order to establish a *prima facie* case of obviousness there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, see M.P.E.P. § 2143. However, the motivation provided to combine references in the Office Action is that the references have cumulative features and that the primary reference could easily be modified. This statement says nothing more than the references can be combined. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination, M.P.E.P. § 2143.01, citing *In re Mills*, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990). Thus, the

motivation provided by the Examiner is improper, as the motivation must establish the desirability for making the modification.

III. The Action is Improperly Made Final

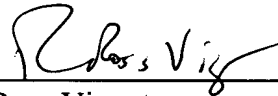
Applicants, in the Amendment filed January 10, 2000, presented a number of the above arguments distinguishing the dependent claims over the prior art applied with respect to those limitations by the Examiner. However, in the final Office Action mailed March 27, 2000, the Examiner did not address these distinguishing arguments and has again asserted the limitations to be taught in the prior art for the same reasons already stated. However, as directed by M.P.E.P. § 707.07(f), “[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant’s argument and answer the substance of it.” Applicants therefore request that the Examiner set forth an answer addressing the substance of the Applicants’ distinguishing arguments with respect to the dependent claims in order that Applicants may have a full and fair opportunity to explore the patentability of this claim as provided for under M.P.E.P. § 706.07. Accordingly, Applicants respectfully request, pursuant to M.P.E.P. § 706.07(c), that the Examiner reconsider the final status of the Office Action and withdraw the finality of the rejection pursuant to M.P.E.P. § 706.07(d).

IV. Summary

As shown above, there are great differences between the claims and the prior art. Moreover a person of ordinary skill in the art considering the prior art would not find these differences obvious. Accordingly, Applicants respectfully traverse the Examiner's 35 U.S.C. § 103 rejections of record. Therefore, Applicants respectfully request that the claims be passed to issue.

Applicant respectfully requests that the Examiner call him at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Respectfully submitted,



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